



# **Meeting Minutes**

## **BOARD OF SUPERVISORS, COUNTY OF MONO**

### **STATE OF CALIFORNIA**

Regular Meetings: The First, Second,  
And Third Tuesday of each month

**REGULAR MEETING**  
**July 3, 2007**

County Courthouse  
Bridgeport, California 93517

**9:00 a.m. Meeting called to order by Chairman Hazard**

**Pledge of Allegiance led by Supervisor Reid**

### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Shirley Cecil introduced her family to the Board, and then thanked the Board for honoring John Cecil by putting his name on the plaque re-dedicating the Courthouse. She said her family also thanked the Board for this honor. Larry Cecil (John Cecil's son) said doors opened for his parents when they moved to Bridgeport and the Board made this a great place for them. His parents always talked about the Board's team work and how they were doing their best for the County. He also said this was the best place in the world for his parents, and Shirley was a great part of the family after his mother passed away.

Supervisor Bauer said John is missed. Supervisor Hazard said he always thinks of John when coming into the building.

### **BOARD MEMBER REPORTS**

**Supervisor Hunt** reported on the following issues and activities:

- (1) During his time in Europe, he was reassured that there are still places in world where it rains heavily. While there, he met the Mayor of Salzburg, and spent a lot of time touring on bikes. It felt good to get back.

**Supervisor Bauer** reported on the following issues and activities:

- (1) Met with Senator Boxer's aid; they viewed the "rodeo grounds" and talked about fish. When she asked if the Hoover Bill was represented, the aid had no response.

**Supervisor Farnetti** reported on the following issues and activities:

- (1) Attended the town/county liaison meeting. The primary subject was an update on the hospital land exchange. They also discussed fisheries issues; the commission raised a total of \$45,000 through contributions from the County, the Town, and private parties. Danna Stroud gave a presentation about constructing a track field at the Whitmore regional park. This would be a full regulation track field with an inner field to be used for soccer, and would be funded through donations; private funding is also being discussed. The group agreed they wanted the concept brought forward.
- (2) Was supposed to meet yesterday with Chris Kinake from Search and Rescue to discuss issues they are facing, including storage space, but the meeting was cancelled. Chris will probably contact Supervisors Hunt and Bauer.
- (3) Will be in Europe until August 2<sup>nd</sup> so will miss the next two meetings.

**Supervisor Hazard** reported on the following issues and activities:

- (1) On the 22<sup>nd</sup> met with Bob Haueter from Congressman McKeon's office. The Hoover Bill is still alive, and they will try to move it forward. They are looking at a way to accommodate Dick's [Dick Noles AAPL] request for some protection of multiple use under existing forest service regulations. They are coming to terms with more neutral grounds in Washington to work on the Hoover Bill. The Boxer Bill is described as a negotiating chip; no one expects it to go anywhere. Lastly, the Congressman's office is aware of the need for obtaining cinders for snow removal.
- (2) Took a vacation to Yellowstone; a fire started while they were there.

## **COUNTY ADMINISTRATIVE OFFICE**

- 1) **CAO Report regarding Board Assignments (David Wilbrecht)**  
**ACTION:** Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht reported on the following issues and activities:

- (1) Continuing to talk with the Town about the hospital exchange.
- (2) The agenda review committee is refining the process.
- (3) Gave short speeches at the Lone Pine Visitor Center and the Town Visitor Center; both facilities are very nice. The Lone Pine Visitor Center was dedicated to a couple of people who participated in the process.
- (4) Continuing to deal with some personnel issues.
- (5) IMAAA is transitioning; looking for a replacement for a recently vacated position. A group of individuals in the north part of the County rely on IMAAA for services.
- (6) With Gasex in Lee Vining, avalanches should be controlled so people won't need access to the road below the avalanche area.

Supervisor Reid asked if someone could go to the LTC meeting since he had to take a friend to Lake Tahoe that day. Supervisor Bauer said they can't cover each other at the meetings. Regarding the issue of having alternates at various meetings, Supervisor Hazard suggested the Board agendaize the item for discussion and consideration of possible options.

- 2) **APPROVAL OF MINUTES**  
**Regular Meeting of June 12, 2007, as corrected.**  
**M07-164 (Bauer/Reid, 4-0; Hunt abstain)**

Supervisor Reid referred to the Board Member Reports and corrected two misspelled names under his report: Charles Brodin (not Grodin), and Tracy Hartzler-Toon (not Toone).

## **CLOSED SESSION**

***Adjourned for closed session from 9:07 a.m. through 10:00 a.m.; break from 10:00 a.m. through 10:08 a.m.***

- 3) **CONFERENCE WITH LABOR NEGOTIATORS.** Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, and Brian Muir. Unrepresented Employees: Assistant Assessor.

- 4) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, and Brian Muir. Unrepresented Employees: Information Technology Director.
- 5) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Number of potential cases: two.
- 6) CONFERENCE WITH REAL PROPERTY NEGOTIATORS. Government Code section 54956.8. Property: certain federal land in the Town of Mammoth bordered by Highway 203 and Sierra Nevada Road. Agency negotiators: Dave Wilbrecht, Marshall Rudolph, Brian Muir, and Mark Magit. Negotiating parties: U.S.D.A. Forest Service, Southern Mono Healthcare District, Town of Mammoth Lakes, and the state Administrative Office of the Courts. Under negotiation: price and terms of payment.

***Reconvened at 10:08 a.m.***

## **DEPARTMENT REPORTS/EMERGING ISSUES**

Lynda Roberts, Clerk of the Board, distributed copies of the draft agendas for the July 10, 2007, Board of Supervisors meeting and the Housing Authority meeting. She said the agenda for the Board meeting is short, and asked the Board if they would prefer to have a special meeting of the Housing Authority begin at 11:00 a.m., rather than the regular time of 1:00 p.m. The Board indicated yes.

George Booth, Rotary Club President for the past year, presented Byng Hunt with a plaque for outstanding club leadership. He also presented a plaque to Marshall Rudolph, County Counsel, for the outstanding job he did leading vocational service.

Bob Musil, Assistant County Assessor, said they delivered the 2007-08 assessment roll to the Department of Finance last Friday. The total assessed value for 2006 was \$4.5 billion; for 2007, the assessed value is \$5.3 billion, a 16.1% increase. He thanked the staff in the Assessor's Office for their hard work.

Brian Muir, Finance Director, said solid waste loan information will be posted on DAC (Digital Assurance Certification). Regarding the budget, there will be some difficult policy issues for the Board but they will have adequate funding to address these issues. Muir said he will bring a balanced budget to the Board with adequate funds to do what they want to do, within reason. The Board should begin the budget process during the last week of August, tentatively around August 26<sup>th</sup>. The process will take about 2 ½ to 3 days.

Kelly Garcia, Public Works, said the California Resources Agency verbally approved two grants for the Mountain Gate Project. They have fully funded a construction project in the amount of \$473,000, and have awarded funding for the Graves and Norberg property acquisitions, which have potential for a parking area and restroom. The total grant award is \$1.2 million. Garcia has notified the RPAC as well as the property owners.

Robert Garret, County Administrative Office—Human Resources, introduced Sarah McCahill to the Board (whose contract will be discussed later in the meeting). Sarah was recently hired as the Economic Development Manager. She has an excellent background, having earned a BS degree in engineering and a Master's degree in business; plus she has experience as a marketing manager for Mammoth Mountain. Sarah expressed her excitement about being part of the team.

## **CONSENT AGENDA**

*(All matters on the consent agenda are to be approved in one motion  
unless a board member requests separate action on a specific item)*

### **DEPARTMENT OF FINANCE**

- 7) Establishing a Checking/Clearing Account with Oak Valley Community Bank  
**M07-165 ACTION:** Approve/authorize the Director of Finance to open a checking/clearing account with Oak Valley Community Bank for the purpose of depositing credit card receipts that are received for gasoline purchases at the Bridgeport Airport.  
*(Bauer/Hunt, 5-0)*

### **INFORMATION TECHNOLOGY**

- 8) Retirement Resolution for Jerry Spindler  
**M07-166 ACTION:** Approve and authorize the Board's signatures on a retirement Resolution in honor of Jerry Spindler's service to Mono County.  
*(Bauer/Hunt, 5-0)*

### **BUILDING DEPARTMENT**

- 9) Enactment of Ordinance Amending Title 15 of the Mono County Code (Building Regulations) Adding High-Rise Construction Regulations  
**Ord07-08 ACTION:** Enact **Ordinance Ord07-08**, "An Ordinance of the Mono County Board of Supervisors Adding Section 15.04.240 to Title 15 of the Mono County Code Pertaining to High Rise Construction Building Requirements."  
*(Bauer/Hunt, 5-0)*
- M07-167 ACTION:** Direct Building Official to file the modification with the California Building Standards Commission.  
*(Bauer/Hunt, 5-0)*

## REGULAR AGENDA

### CORRESPONDENCE RECEIVED

- 10) Application from Larry McIntosh for appointment to the Fish & Game Advisory Committee to represent Mono County.

Chairman Hazard said the Board could agendaize this item to take further action at an upcoming meeting. Supervisor Reid mentioned that this candidate resides in Bishop, which seems unusual. Marshall Rudolph, County Counsel, said legally there is no restriction. The Fish & Game Advisory Committee advises the Board on issues related to fish and game, but does not have any responsibility for the fine fund. Reid said they should be able to get a County resident. Hazard said they haven't been able to get anyone to step forward. He also pointed out that another Inyo County resident has served on this committee so this isn't new. Hazard said they do have time to solicit Mono County residents because this committee does not make financial decisions. For the record, he acknowledged receipt of the application, and asked if the Board wanted to attract a Mono County resident, or move this forward to a future agenda and make an adjustment at a later date. Reid suggested they refer this to the RPACs to determine if there are interested people. The Board decided to hold the application pending results of an in-county search.

### DEPARTMENT OF FINANCE

- 11a) Contract with Tamalpais Advisors, Inc. (**Brian Muir**)  
**ACTION:** Approve and authorize the Director of Finance to sign a contract with  
M07-168 Tamalpais Advisors, Inc. for financial consultant services.  
(*Hunt/Bauer, 5-0*)

Brian Muir, Finance Director, said as financial advisor for the County, Tamalpais Advisors will only receive payment after the County issues the anticipated debt. In addition to giving financial advice, the company will provide knowledge of rating agencies and a relationship with rating agencies, and they will work with underwriters and potential investors. In working to get financing for the land exchange in Mammoth Lakes, this company can do a private placement, which greatly reduces the cost.

Supervisor Hunt asked if the cost was capped at \$50,000. Muir said yes, and the cost could be less. Supervisor Reid asked about the timing of this request since the budget sessions are approaching. Muir said he will bring this forward during the budget meetings, but he wants the company to be ready with potential investors now; waiting until the Board passes the budget in September could be problematic to the timing of the land exchange. David Wilbrecht, CAO, pointed out that the Board had budgeted \$200,000 for this purpose.

Tony Dublino, The Sheet, asked if this contract would save the County money. Muir said it is common practice to have a financial advisor, and this contract might save money because of the action by rating agencies on the debt (since a 3<sup>rd</sup> party would be bringing the debt forward and creating the correct information); plus it is beneficial to have someone who has connections to place the debt. This is also worthwhile because the advisor works with the underwriter, which would otherwise cost the County money.

Supervisor Hazard asked if County Counsel had reviewed the contract. Marshall Rudolph said he did review the contract and made suggestions that have been incorporated.

- 11b)** Temporary Budget for Fiscal Year 2007-2008 (**Brian Muir**)  
**R07-44** **ACTION:** Adopt **Resolution R07-44**, "A Resolution of the Mono County Board of Supervisors Adopting a Temporary Budget for Fiscal Year 2007-2008," in the amount of \$44,841,637.

**(Farnetti/Hunt, 5-0)**

Brian Muir, Finance Director, said passing this resolution is not a legal requirement, but most counties do take this action. It establishes Board control over the temporary budget, and prohibits purchases of fixed assets unless the requests are brought to the Board.

- 11c)** Consider Possible Action to Transfer \$250,000 from the Fiscal Year 2006-2007 General Fund Contingency to the General Reserve (**Brian Muir**)

- M07-169** **ACTION:** Approve transfer of \$250,000 from the Fiscal Year 2006-2007 General Fund Contingency to the General Reserve.

**(Hunt/Bauer, 5-0)**

Brian Muir, Finance Director, said the Board transferred \$250,000 to the general reserve at mid year, and at that time said they would consider another transfer at the end of the year. This action confirms their previous decision to transfer \$250,000 to the general reserve. During the budget process the Board can choose to use funds from the general reserve.

Supervisor Reid asked what percentage of the budget should be in general reserve. Muir said it should be 10% of the general fund revenues, which would be just under \$3 million, however, the County's current ordinance specifies 5%; GOFA recommends 10-15%. Supervisor Reid asked about the amount of carryover from the last budget year. Muir said he expected it to be around \$7 million, so the Board will have the opportunity to put more into contingency, and he will recommend to fund at least 5%. Marshall Rudolph, County Counsel, said the budget process is the one opportunity to take money out of general reserve; otherwise the Board must declare an emergency and have a 4/5ths vote.

Chairman Hazard said this action meets the Board's goals to be fiscally consistent, and it is good to make this commitment.

- 11d)** Consider Possible Action to Appropriate \$20,000 for Mammoth Lakes Housing (**Brian Muir**)

**ACTION:** Give direction to the Director of Finance regarding possible \$20,000 contribution to Mammoth Lakes Housing.

Brian Muir, Finance Director, said during last fiscal year's budget the Board considered this request but deferred it and took no action at mid year. Muir received another invoice from Mammoth Lakes Housing and wanted to bring the issue back to the Board. Supervisor Hunt said as a board member of Mammoth Lakes Housing, he has been asked many times why the County is not contributing more money. Hunt said he thought the best policy is fee for service rather than a general contribution; he said they already get fees for administering grants. He recommended against the \$20,000. Supervisor Farnetti asked if they gave any indication about the services to be provided for the \$20,000. Muir said he only received the request for \$20,000. Supervisor Hunt said the County did give a contribution in the past, and Mammoth Lakes Housing has assumed the County would do so again. Supervisor Reid expressed concern about giving \$20,000 without knowing how it will be used; he agreed with paying them on a fee-for-service basis. The Board expressed general agreement.

Supervisor Farnetti recommended the Board take no action. Supervisor Hazard directed staff to send a letter.

## PUBLIC WORKS

### 12) Grading Permit Fees and Gate Fees Associated with Larson Fire Debris (**Evan Nikirk**)

**M07-170 ACTION:** Due to the recent catastrophic fires in the Antelope Valley and the desire to bring the area back to its natural viewshed and improve the visual aesthetics, the Board determines it is in the best public interest to waive gate fees and grading permit fees when associated with site remediation activities to accomplish this purpose; the Board also directs the Public Works staff to contact Natural Resources Conservation Service (NRCS) for technical and financial assistance.  
**(Reid/Farnetti, 5-0)**

Evan Nikirk, Public Works Director, provided an overview of the situation: The Antelope Valley suffered a major fire in the Larson Lane area, and Supervisor Reid was approached by a property owner who was interested in clearing land of some charred debris (which raised the issue of waiving fees for grading permits due to this situation); Public Works expanded the concept to include a waiver of gate fees. Nikirk referred to his staff report which says he has been in contact with local botanists; the BLM office in Bishop put together a flyer that describes how to address debris (on file in the Clerk's Office). Some measures listed address erosion issues and some address plant species recommended for re-vegetation. Nikirk pointed out that after the flood in Walker Canyon, one approach was to leave the felled trees in place in order to help prevent erosion. BLM's flyer recommends leaving the vegetation in place since it acts as a dam and helps re-vegetate the land; BLM does have native seedlings available for re-vegetation (which they suggest should be done by creating a furrow along the contours of a slope and then reseeding). Nikirk said his office could provide this flyer to people who come to the office. He also mentioned the action before the Board would set a precedent since in similar situations the Board has not waived fees.

Supervisor Hunt asked how many people were expected to make this request. Nikirk couldn't say specifically because Public Works has not yet been approached. Regarding precedent, Marshall Rudolph, County Counsel, pointed out that precedent would be policy precedent, not legal. He also said that in order to waive fees the Board must have a public purpose, so this language should be included in a motion as the basis for the waiver.

Rose Murray, Antelope Valley property owner, explained that property owners may only drag about 3 inches of the surface so they can re-vegetate; she asked if this would require a grading permit. She also said NRCS (Natural Resources Conservation Service) has helped areas with the same problems by providing grants, and she suggested they might be able to help. She said the Board needs to work with owners so it is reasonable for them to re-vegetate. Right now there is a lot of soot, dust, and debris that blows around on a windy day.

Nikirk said if someone is uprooting individual vegetation, this does not constitute grading; but scraping the ground with a backhoe, or other equipment, is considered grading. Rudolph pointed out that the County Code has a low threshold as to what constitutes grading, and it is easily triggered.

Tim Fesko, Antelope Valley property owner, said clearing burnt vegetation by hand is very time intensive, and most grading permits have to do with disturbing a great amount of dirt—not just scraping. He pointed out that people want to clear the charred brush from their property and put it back to a pleasing visual state. He said they need clarification about the grading permit.

Nikirk said nothing will prevent people from getting a permit; the issue is whether or not a permit is required, and whether or not fees should be waived. Whether or not a permit is required depends on the activity involved. He said the fee is a deposit, and it is the same regardless of the property size. The purpose of the permit is to make sure controls are in place to minimize erosion and ensure re-vegetation. He said one affected property owner, Mr. Hermann, already has a grading permit that can be modified, but Public Works needs direction from the Board when issuing new permits to area property owners.

Supervisor Reid said the Walker/Coleville area has been devastated many times, and fire will probably be a problem throughout the County. When these events happen, the Board should do what it can to help communities return to normal, even if this means waiving fees. He reiterated that this area doesn't look very nice right now and impacts tourists coming through. It is onerous to put an added burden on the victims of this catastrophe since they want to do the right thing and improve the look of their property. Because this area is on the Scenic highway, the Board should work with the property owners and waive the fees.

Supervisor Farnetti agreed as long as the property owners apply for a permit and there are controls in place regarding best management practices. Regarding BLM's suggestions, he said there are differences between public lands and private lands. Their information may work well for public land, but private lands have other interests; owners want their investment to look nice. The Board should make it easy for people to improve their property after a catastrophe. Supervisor Hunt agreed with Supervisor Reid and said he sees remediation of the area as a public service, not just a private interest. He supported waiving both permit and gate fees as long as there is oversight. Supervisor Bauer agreed with Supervisor Farnetti about the difference between public and private land, and the need to maintain control.

Rudolph said improving aesthetics is a public purpose. Reid suggested moving forward and incorporating best management practices; Supervisor Farnetti said it would be a good idea to get some vegetation in before the rain and snow come. Supervisor Hazard suggested reviewing the policy on grading permits for development versus permits for repair of emergencies. People need the ability to restore property, but there is a risk of owning large pieces of property and the County is not responsible for the whole share. He wants to see the County revisit the policy and create standards for waiving fees based on certain conditions and specific geographical emergencies, and offering a way to mitigate these problems. In the short term, he supported waiving fees and requiring permits. Nikirk said he can take a look at the grading ordinance during the update process, and consider exemptions for disaster areas.

Supervisor Bauer expressed uncertainty about whether NRCS could help since they target groups and not individuals. Supervisor Reid suggested they should find out what NRCS offers and how they can help.



## COUNTY ADMINISTRATIVE OFFICE—HUMAN RESOURCES

- 13a)** A Resolution Approving Employment Contract with Wade McCammond (**Robert Garret**)  
**R07-45** **ACTION:** Adopt **Resolution R07-45**, “A Resolution of the Mono County Board of Supervisors Approving an Employment Agreement with Wade McCammond and Prescribing the Compensation, Appointment, and Conditions of Said Employment.”  
(*Hunt/Bauer, 5-0*)

Robert Garret, County Administrative Office—Human Resources, said this is a contract renewal, and will continue under the same terms and conditions. He recommended approval.

- 13b)** A Resolution Approving Employment Contract with T. Robert Floyd (**Robert Garret**)  
**R07-46** **ACTION:** Consider and potentially adopt **Resolution R07-46**, “A Resolution of the Mono County Board of Supervisors Approving an Employment Agreement with T. Robert Floyd and Prescribing the Compensation, Appointment, and Conditions of Said Employment.”  
(*Bauer/Reid, 5-0*)

Robert Garret, County Administrative Office—Human Resources, said this is a routine contract renewal and will continue for three years under the same terms and conditions. He reminded the Board that the fiscal impact listed on the agenda includes salary and benefits, plus a projection of what may happen over the fiscal year.

## 11:00 a.m. PUBLIC HEARING COMMUNITY DEVELOPMENT DEPARTMENT

- 14a)** Public Hearing Regarding Federal Transit Administration (FTA) Section 5311 Nonurbanized Grant Program for Fiscal Year 2007 Discretionary Subsidy Funding for Mono County Bus Shelters (**Gwen Plummer**)  
**M07-171** **ACTION:** Following the public hearing regarding Federal Transit Administration (FTA) Section 5311 Nonurbanized Grant Program for Fiscal Year 2007 Discretionary Subsidy Funding for Mono County Bus Shelters, authorize application submittal.  
(*Hunt/Bauer, 5-0*)

Gwen Plummer, Community Development, presented the following information from the staff report: The Local Transportation commission adopted, by resolution on May 14, 2007, the programming of funds for this grant in the amount of \$83,520 for the purchase of bus shelters for the Mono County transit system. They approved funding from the Local Transportation Funds for the match of \$20,880. Potential bus stop sites are identified in the Regional Transportation Plan and the Bus Stop Master Plan excerpt (on file in the Clerk's Office). If the grant is approved, the potential site locations will be reviewed with the communities along the bus routes. The recommendation is for the Board to authorize the submittal of an application for the grant in the amount of \$83,520.

Supervisor Farnetti asked who would be responsible for maintaining the shelters. Kelly Garcia, Public Works, said they could possibly add this to the current maintenance contract for a minimal cost.

Supervisor Bauer said signs will be a big improvement. Supervisor Hazard said there are concerns about the location of the shelters in his district, so he requested further discussion. Plummer said she will meet with CalTrans to discuss the situation.

No one from the public spoke.

**11:15 a.m. PUBLIC HEARING  
COMMUNITY DEVELOPMENT DEPARTMENT**

**14b)** Public Hearing Regarding an Appeal from the Utu Utu Gwaitu Paiute Tribe of Tentative Parcel Map 35-35/Patel **(Scott Burns and Gwen Plummer)**

**M07-172 ACTION:** Affirm in full the Planning Commission's actions of May 10, 2007, with consideration given by the property owner that he will delay filing the final map for up to six months pending good faith negotiations with the tribe for the purchase of the property.

**(Bauer/Farnetti, 5-0)**

Gwen Plummer, Community Development, provided the following background information: On May 10, 2007, the Mono County Planning Commission approved a tentative parcel map application to divide APN 24-250-02, totaling 160.56 acres, into three lots of ten acres each and a fourth parcel of 130.55 acres subject to conditions. In accordance with Chapter 47—Appeals Procedures, of the Mono County General Plan, the Utu Utu Gwaitu Paiute tribe filed, in a timely manner, a notice of appeal to this subdivision. On June 13, 2007, staff members and the applicant met on site to view the cultural resources and discuss potential mitigation; staff understands that the tribe and the applicant plan to enter negotiations for potential purchase by the tribe of the property. This particular matter was noticed in the Mammoth Times on June 21, 2007, and notice was mailed to property owners and interested parties on June 15, 2007. The original public notice went out on June 11, 2006, and the public notice for the Planning Commission went out last May. The recommendation is for the Board to affirm, affirm in part, or reverse the previous determination of the Planning Commission's approval of this tentative parcel map. Supervisor Farnetti asked if the tribe had been notified. Plummer replied yes, Joseph Saulque had been notified at the beginning of the planning process.

Joseph Saulque, tribal chairman, passed around a digital camera so the Board could see photos of the cultural resource (an Indian figure in stone that overlooks the area). He talked about issues with the Snow Creek development that uncovered an archeological site dating back to 1200 B.C. The tribe was unaware of this site (that had been continually used for 4,000 years) and the development destroyed 11,000+ prehistoric artifacts. This situation raised tribal awareness about getting more involved in these issues. Saulque then explained the significance of the site in question: His great grandmother had told him that an Indian (in stone) on the hill is there to overlook and protect the area for sacred purposes, and this area needs to be preserved for the Paiute people. He said the area also has a number of grinding rocks and petroglyphs, and there is also an Indian cemetery situated on BLM land that has been utilized since prehistoric times. The tribe is concerned about the area, and its historic and sacred value. He said they prefer no development, and are considering an option to purchase the property or do a land exchange with BLM. He said they also prefer having the project halted until the tribe can hold negotiations.

Supervisor Farnetti asked if the parcel would become trust land if the tribe purchases it—would they be willing to keep it as open space? Saulque said the tribe was considering an option of trading the parcel to move it out of private or Indian ownership so the area is not developed. Supervisor Hazard asked why the tribe had not responded earlier in the process. Saulque said as the only staff person, he had been unable to address it earlier; the appeal was filed because of the issues with the Snow Creek development. Supervisor Bauer asked if the tribe was planning to give the land to BLM in lieu of purchase. Saulque said they would purchase it and then trade with BLM.

As a side note, Marshall Rudolph, County Counsel, pointed out that if tribe wanted the photo (displayed on the digital camera) to be part of the evidence, they would need to provide a print.

Andy Holmes (Triad/Holmes Associates) representing Bob Patel, the owner, referred to a map of the area (on file in the Clerk's office). He said they started this process over a year ago. Mr. Patel wants to divide a 160-acre parcel into three, ten-acre lots, with a remainder of 130 acres. He reiterated that they met on site where Saulque pointed out the rock formation (a stone Indian overlooking the valley). They are not disputing the validity of the claim, but the tribe is located within 2 miles of the property and must be aware of what is happening. This issue has been well noticed, and nothing was said about the nature of the sacredness of the area until now. Holmes said the owner should not be deprived of his private property rights. The owner is not opposed to negotiating a purchase, but is opposed to a lengthy delay that might result. Holmes urged the board to deny the appeal; the owner is willing to delay filing a final map, pending purchase negotiations, as long as the purchase amount represents fair-market value. Mr. Patel has gone through this process for over a year and was hoping to file the final map and proceed.

Supervisor Hunt said there is a tribal meeting planned for July 10, and asked if this would be a time for possible negotiation. Holmes said they haven't been invited to the meeting. Supervisor Hazard suggested delaying action until the Board's meeting on the 17<sup>th</sup>, at which time they would adjourn to Benton, a location that might be the most appropriate place to discuss this issue and receive public comment. The parties could meet on July 10 and report back prior to a final decision. Rudolph said the Board could do this only if both parties consent, but the parties have a right to a resolution of the matter. Holmes said he wasn't sure a delay would serve a useful purpose. Although they do not object to community involvement, this is not a community decision; it is the Board's decision based on facts. Holmes expressed opposition to an indefinite delay.

Saulque raised a point that the 130 acres can't be developed because of the scenic highway. Plummer said it can be developed with conditions. Holmes said the property in question is not the only parcel in the area, so any proposal would need to include purchase of all three properties. Tony Dublino, The Sheet, asked if any artifacts had been found on the property. Holmes said no significant artifacts were on site.

Supervisor Hunt expressed his concern that the NAHC (Native American Heritage Commission) file search didn't come up with any known sites in this area, and the tribe is now appealing late in the public process, which impacts the property rights of the owner. He said he would support allowing time for negotiations and deferring a decision until the 17<sup>th</sup> as long as there is a deadline for a determination. Supervisor Farnetti reminded the Board that he won't be at the meeting on the 17<sup>th</sup>. He said the owner has gone through the process responsibly and has the right to develop; the tribe was notified, but did not appeal early in the process to make their concerns known. He expressed his willingness to delay until the 17<sup>th</sup>, but encouraged the Board to make a final decision at that time. If the tribe and owner agree and are willing to negotiate, then he will support that decision, but the owner should not be delayed.

Supervisor Reid said it appears that the owner has gone through the process over a lengthy period of time, and it would have been better for the tribe to appeal earlier. He supported moving this issue to the 17<sup>th</sup> if it is agreeable to both parties, but said these kinds of things should be dealt with according to law and not a lot of emotion. He understands both sides, but in the final analysis, the decision should be based on law. Supervisor Bauer agreed with Supervisor Hunt that the process should have started sooner. She also agreed with Andy Holmes that this is not a community issue, and agreed with Supervisor Reid that the Board needs to make a decision. Protecting the property rights of a private owner does not close the door on future negotiations. She supported making a decision today.

Supervisor Hazard said he believed private property rights are paramount. The parcel is properly zoned, there was a hearing during the planning process, and this request has gone through public scrutiny and mandates required by law. Hazard also acknowledged the tribe's issues and concerns with the land, and he said he was concerned about having development in such a remote area of the County. He believes this will establish a trend to develop in places where there are no services such as fire protection. He said this would be an ideal spot for the land tenure process. This does impact the community of Benton, and he indicated he would like to hear from these citizens whose community would be providing services. Having a final decision on the 17<sup>th</sup> gives the owner and the tribe an opportunity to determine if they have common ground. He agreed a decision should not go past the 17<sup>th</sup>.

Mr. Saulque said he would discuss the issue at the tribal meeting on July 10 and wait for a Board decision until the 17<sup>th</sup>; Mr. Patel asked for a decision today. Marshall Rudolph, County Counsel, said the parties involved are entitled to a resolution so they can proceed. He explained that in the context of a parcel map versus a large-scale subdivision, it is not a matter of discretion about liking a project. There are certain grounds on which the agency is allowed to deny a parcel map, but absent those grounds, the developer is entitled to proceed. Supervisor Hazard suggested making a decision today would not restrict efforts to negotiate a sale; Rudolph said this is correct. Holmes said the owner is hoping for a denial of the appeal, but is willing to delay recording the map for up to six months to see if the parties can put together a purchase.

***Break from 12:12 p.m. through 1:18 p.m.; reconvened at 1:18 p.m.***

## **1:00 p.m. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

Tony Dublino, The Sheet, asked County Counsel about recall procedures (and the cost of a recall election) in the event an elected official is found to be derelict in his/her duties. Marshall Rudolph, County Counsel, said public comments are usually directed to the Board not to staff, but he would answer the question if it was the Board's pleasure, to which they indicated yes. Rudolph said a recall is a petition process that requires a specific number of voters to be on the petition. He indicated that he would need to check the election code for specific details, and contact Mr. Dublino with the information. Supervisor Reid asked if there had to be specific reasons for a recall. Rudolph said there did not need to be a specific reason; voters can recall someone for virtually any reason with the proper number of signatures. Costs would be reduced if the election is consolidated with a regular election. He reiterated that he would need to check the law.

**1:00 p.m. INFORMATION TECHNOLOGY**

**15) Present Retirement Resolution to Jerry Spindler (Clay Neely)**

**ACTION:** Present framed retirement resolution to Jerry Spindler honoring his years of service to Mono County.

Clay Neely, IT Director, said Jerry had provided outstanding service to Mono County for 6 ½ years. Jerry had been the primary support person for the phone system, and project manager for the IT department, and had done an outstanding job in both areas. Neely then related several personal stories (these comments are on file in the Clerk's Office). Neely concluded by saying Jerry has remained calm and cool during pressure situations, and has done a great job for Mono County. He wished him the very best. The Board presented the resolution, ready by Chairman Hazard.

**CLERK-RECORDER-REGISTRAR**

**16) Out of State Training for Keith Park, IT Technical Support (Lynda Roberts, Clay Neely)**

**M07-173 ACTION:** Approve and authorize Keith Park, IT Technical Support for Elections, to attend Sequoia's User Group Meeting in Denver, Colorado, from August 1-3, 2007. Fiscal impact: \$1,292.

**(Hunt/Farnetti, 4-0, Reid absent)**

Lynda Roberts, Clerk of the Board, said the voting machine system used in the County has been mandated by the State. This training is important because Keith Park leads the technical support staff and supervises the operation of the system. By attending the training he will be introduced to customizations and the full capability of the system; be introduced to new versions of software, which changes with every election; and this training will keep the election process "in-house" so the County doesn't have to pay extra for support help from Sequoia Voting System. The money for this training is in the elections budget.

Clay Neely, IT Director, confirmed the importance of this training so technical support personnel don't have to learn during an election. He added that this training will provide Keith with important information about the tally process. Keith recently attended in-state training on the hardware so he can make repairs without voiding the warranty. The County will no longer have to ship broken machines back to the company for repair. At the conclusion of the upcoming training, Keith will cross-train the rest of the support staff.

**HEALTH AND HUMAN SERVICES—HEALTH PROMOTION**

**17) Results of Legislated (Mammoth Lakes) and Voluntary (Unincorporated Mono) Smoke-Free Business Surveys of Spring 2007 (Nancy Mahannah)**

**ACTION:** Accept information on the current status of public support for smoke-free outdoor areas.

Nancy Mahannah, Health and Human Services, gave a PowerPoint presentation regarding the local voluntary and legislated second-hand smoke policy (a copy of the presentation is on file in the Clerk's Office). She said the Department of Health Services mandated health departments to perform the survey since California identified second-hand smoke as a toxic substance, exposure to which has an affect on the human body and increases the likelihood of an acute event. The Mono County Health Department conducted a random survey of both households and businesses. Regarding the Mammoth ordinance that prohibits smoking within 20 feet of doorways, businesses are aware of the ordinance and most believe the public is compliant, but they don't see any enforcement. Mahannah said enforcement relies on personal responsibility. She also said it became clear that people don't know about all the areas considered to be smoke free. She said the Health Department can make the policy work by putting up more signs, providing better enforcement, and educating the public. They need to work on prevention at a variety of levels, work with multi-family residences (some want to ban smoking in condos), and work at the high school level on issues of youth access.

Supervisor Hunt said England has initiated a smoking ban in all bars and public places, which seems to be the trend going around the world. Supervisor Farnetti asked if the biggest increase in use is amongst the teenage population. Mahannah said use increases during the late teen years, but frequency may vary, meaning many late teens may smoke at a party but not at other times. Smoking also increases in the young adult age range.

## **PUBLIC WORKS**

- 18)** Multi-Purpose Building Removal at Hot Creek (**Evan Nikirk**)  
**M07-174** **ACTION:** (1) Authorize the transfer of \$21,000 from the General Fund contingency to the CIP account set up for the project, which is not to exceed \$46,000. (2) Authorize Public Works Director (in consultation with County Counsel) to contract with Advance Installations (Sparks, NV) and with Construction Specialty (Lee Vining, CA) for asbestos and building removal, respectively. (3) Authorize the Building Department to waive demolition permit fees. (4) Authorize Public Works to waive gate fees for disposal of demolition waste.  
**(Bauer/Farnetti, 4-0; Reid absent)**

Evan Nikirk, Public Works Director, said this project has been around for some time; he reviewed the history of the project as outlined in the staff report. A company conducted an asbestos survey, and found two types: airborne (friable) and bound (non-friable). The friable asbestos will have to be transported to a proper disposal site; the non-friable asbestos can go to the Benton Crossing landfill. The cost to take the building down to the ground and remove the immediate concerns will be about \$42,000. There is also the long-term issue of what to do with the concrete; two smaller tasks include taking care of an abandoned well and a septic tank. The property has a history of uses by different entities, but at this time the County is obligated to mitigate the problem. Nikirk recommend proceeding and authorizing the Public Works Department to waive landfill fees, and authorizing the Building Department to waive fees for the demolition. As an option, Nikirk said the Board could take action now to augment the \$25,000 budgeted for the project, or decide during the budget hearings.

Supervisor Farnetti said this project is way overdue; it is an eyesore and children have been caught playing in the building. The County has the money and the obligation to do this, so they shouldn't wait. Supervisor Hunt agreed. He said the mural on the north wall is significant and asked if it could be documented with photos before tearing down the building. Supervisor Bauer also agreed about proceeding, however, according to the June Lake Fire Chief, the school district could be liable due to the unknown hazard (asbestos) when the property was sold. If this is the case, she suggested the County let the school district know they are disposing of the problem. Supervisor Hazard also agreed with others' comments, and suggested the Economic Development Department consider viable uses for the land. Nikirk said the land actually belongs to DWP.

Nikirk recommended the Board authorize the transfer of funds from the general fund contingency to the CIP account set up for the project; authorize Public Works to contract for site remediation; authorize the Building Department to waive demolition permit fees; and authorize Public Works to waive gate fees for demolition waste. Supervisor Farnetti asked about transferring funds from contingency; Brian Muir, Finance Director, said this will be an approved policy item in the budget.

## **ADDENDUM**

### **COUNTY ADMINISTRATIVE OFFICE—HUMAN RESOURCES**

- 19)** A Resolution Approving Employment Contract with Sarah McCahill (**Robert Garret**)  
**R07-47** **ACTION:** Adopt **Resolution R07-47**, "A Resolution of the Mono County Board of Supervisors Approving an Employment Agreement with Sarah McCahill and Prescribing the Compensation, Appointment, and Conditions of Said Employment."  
*(Hunt/Bauer, 4-0; Reid absent)*

Robert Garret, County Administrative Office—Human Resources, said the search for the Economic Development Manager had attracted outstanding candidates; Sarah was the best of a very strong pool. He recommended approval of the contract.

## **ADJOURNMENT @ 2:18 p.m.**

Mono County Board of Supervisor's next regular session will be on **July 10, 2007**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

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